

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13758, of the American Trucking Associations, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Section 7104 to continue the use of the subject premises as a repair garage, first floor, in an R-5-B District at the premises 1409 - 17th Street, N.W., (Square 181, Lots 818, 819 and parts of 816, 817 and 94).

HEARING DATE: June 9, 1982

DECISION DATE: July 7, 1982

FINDINGS OF FACT:

1. The subject property is located on the east side of 17th Street, between O and P Streets, N.W. It is in an R-5-D zone District at premises known as 1409 - 17th Street, N.W.

2. The site is presently improved with a one story brick structure used as an auto repair garage.

3. The Board approved a change of non-conforming use from a gasoline service station and auto repair garage, existing pursuant to Certificate of Occupancy No. B-68560 dated December 17, 1968, to an auto repair garage only on the subject site in BZA Order No. 13409 dated April 23, 1981. That approval was limited to a period of one year because of a pending Planned Unit Development which included the subject site. The applicant no longer intends to carry out the development approved in the PUD, and plans to sell the subject property and relocate outside the District of Columbia in approximately two years.

4. The subject property is surrounded by a variety of residential and office uses.

5. The current lessee occupies the premises on a month-to-month lease and is aware that he can only operate at the subject location on an interim basis. The lessee testified that he is seeking to rent another garage in the area but has been unsuccessful to date.

6. The lessee's operation concentrates on brake-work and tune-ups on foreign cars. There will be no body repair work or painting of cars. The business will be a family operation consisting of five members and two non-related mechanics.

7. The hours of operation of the auto repair garage are from 8:00 A.M. to 6:00 P.M., Monday through Friday. The lessee cleans the premises on Saturday mornings but does not work on automobiles at that time.

8. All mechanical work is done inside the garage. The interior of the garage can accommodate approximately eight cars. The same number of cars can be accommodated outside the building within the property lines. The lessee testified that when more than sixteen cars are awaiting repairs, they are parked on a nearby parking lot which is owned by the applicant.

9. The lessee testified that he has received no complaints regarding the subject facility and that he has complied with the conditions of BZA Order No. 13409.

10. No recommendation from Advisory Neighborhood Commission 2B was received in the record of the subject application. The Advisory Neighborhood Commission did submit a report after the record was closed, which was properly rejected by the staff of the Board. The ANC further submitted a letter asking the Board to reopen the record and accept the ANC report. The letter stated that the representative of the ANC had not reached the hearing until 11:00 A.M. The hearing on this case was concluded by 10:00 A.M. The applicant opposed the reopening of the record. The Board notes that the ANC was notified well in advance of the hearing. The Board found no basis to support the ANC's request, and denied the request at the July 7, 1982 meeting.

11. There was no opposition at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such relief, the applicant must demonstrate compliance with Sub-section 8207.2 and Section 7104. The Board concludes that the applicant has so complied. The Board notes that the use of the property as an auto repair garage and its prior use as a gasoline service station and auto repair garage has existed at the present site for many years without apparent adverse effect. The Board further concludes that the application has complied with the conditions of its prior Order and that the continuance of the special exception, as hereinafter conditioned as an interim use, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property if the below listed conditions are adhered to.

Accordingly, it is ORDERED that the subject application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of ONE YEAR from the date of expiration of the previous Order, namely April 23, 1982.
2. No vehicles shall be parked in the alley or on public space.
3. All repair work shall be performed in the garage and none shall be performed outside of the building.
4. Approval is limited to operation of the facility by the current lessee, Mike's Imported Car Service.
5. No vehicles shall be parked on the subject premises while awaiting repair except during the hours of operation of the facility.
6. The open area between the front of the building and the property line shall be enclosed with a cable during those hours that the business is not operating. No vehicles shall be parked in that area during those hours that the business is not operating.

VOTE: 3-1 (Lindsley Williams, Connie Fortune and Charles R. Norris to GRANT; William F. McIntosh OPPOSED to the Motion; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: SEP 24 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

BZA APPLICATION NO. 13758  
PAGE 4

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS  
AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH  
DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION  
FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED  
WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.